

Message

**From:** Goforth, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0821CCF0EA9E4C18A3D2A583158B713E-KGOFORTH]  
**Sent:** 5/3/2017 11:36:46 PM  
**To:** Geselbracht, Jeanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc375806a9ea4394ba2418872dce3838-JGESELBR]  
**CC:** Jessop, Carter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a388de803b164e1480887c784b8968d5-CJESSOP]; Moutoux, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=574b3a85014d46d3965b59700a04a55e-NMOUTOUX]  
**Subject:** Re: ROD verbiage and next steps

## Deliberative Process / Ex. 5

Sent from my iPhone

On May 3, 2017, at 4:08 PM, Geselbracht, Jeanne <[Geselbracht.Jeanne@epa.gov](mailto:Geselbracht.Jeanne@epa.gov)> wrote:

## Deliberative Process / Ex. 5

Jeanne Geselbracht  
Environmental Review Section (ENF-4-2)  
U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Phone: (415) 972-3853

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**From:** Goforth, Kathleen  
**Sent:** Wednesday, May 3, 2017 2:37 PM  
**To:** Geselbracht, Jeanne <[Geselbracht.Jeanne@epa.gov](mailto:Geselbracht.Jeanne@epa.gov)>  
**Cc:** Jessop, Carter <[JESSOP.CARTER@EPA.GOV](mailto:JESSOP.CARTER@EPA.GOV)>  
**Subject:** Re: ROD verbiage and next steps

I may not be remembering this correctly, but I thought that the 401 cert applies to the Corps' permit, not to the MPO approval, so, if there is no 404 permit, the 401 cert is essentially moot. Check with Liz on this.

-Kathy

Sent from my iPhone

On May 3, 2017, at 11:17 AM, Geselbracht, Jeanne <[Geselbracht.Jeanne@epa.gov](mailto:Geselbracht.Jeanne@epa.gov)> wrote:

~~See Section 9.3.1 below: Sentence 2 implies LSES can issue MPO if AZ does 401 cert~~

## Deliberative Process / Ex. 5

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Jeanne Geselbracht  
Environmental Review Section (ENF-4-2)  
U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

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**From:** Goforth, Kathleen  
**Sent:** Tuesday, May 2, 2017 3:00 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Jessop, Carter <[JESSOP.CARTER@EPA.GOV](mailto:JESSOP.CARTER@EPA.GOV)>; Geselbracht, Jeanne <[Geselbracht.Jeanne@epa.gov](mailto:Geselbracht.Jeanne@epa.gov)>  
**Subject:** Fwd: ROD verbiage and next steps

Rec'd from Kerwin ...

Sent from my iPhone

Begin forwarded message:

**From:** "Dewberry, Kerwin -FS" <[kdewberry@fs.fed.us](mailto:kdewberry@fs.fed.us)>  
**Date:** May 1, 2017 at 5:00:13 PM PDT  
**To:** "suriano.elaine@epa.gov" <[suriano.elaine@epa.gov](mailto:suriano.elaine@epa.gov)>, "Goforth, Kathleen" <[Goforth.Kathleen@epa.gov](mailto:Goforth.Kathleen@epa.gov)>  
**Cc:** "Hood, Chad C -FS" <[cchood@fs.fed.us](mailto:cchood@fs.fed.us)>, "Baxter, Sarah - FS" <[sbaxter@fs.fed.us](mailto:sbaxter@fs.fed.us)>, "Tafoya, Diane -FS" <[dtafoya@fs.fed.us](mailto:dtafoya@fs.fed.us)>  
**Subject:** ROD verbiage and next steps

**Hello Kathy,**

Here is the information in the ROD that is still being reviewed but I am not expecting this language to change. Section 3.1 is wording from the ROD pertaining to the Decision and section 9 talks in-term of the required steps needed after the decision is signed and before a Mine Plan of Operation is generally approved.

### 3.1 Decision for the Rosemont Copper Project

## Deliberative Process / Ex. 5

be implemented, operations on NFS lands cannot begin until the final MPO is authorized.

9.1 Forest Service Requirements

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be incorporated into the MPO prior to MPO approval.

**Deliberative Process / Ex. 5**

9.1.2 Financial Assurance (Reclamation Bond)

the required reclamation.

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9.1.3 Clean Water Act 401 Certification

As stated in FSM 2817.23a, both the Forest Service and the proponent have CWA requirements to meet. The Forest Service cannot authorize an MPO until the CWA 401 certification has been obtained or waived by

permit for the project.

**Deliberative Process / Ex. 5**

10.0 Effective Date

Furthermore, implementation may begin following the approval of the MPO, once the proponent has obtained final approval from the CWA (FS).

**Deliberative Process / Ex. 5**

<image001.png>

Kerwin S. Dewberry  
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Forest Service  
Coronado National Forest

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